1908-034 Chancery Causes: Sarah Phillips vs. John Phillips
Lee Co

SKidmore, Manning, Pennington, Stapleton

CA-Divorce
T-Vice
Migration

To the Hon.H.A.W.Skeen,Judge of the Circuit Court for Lee County:

Hombly complaining,your oratrix,Sarah Phillips,respectfully represents unto your honor,as follows:

I

That on or about the _____ day of _____,190 __, she intermarried with one John Phillips;that her maiden name was Sarah Skidmore;that her said husband for the first four or five months of their married life was kind,considerate and affectionate towards your oratrix,and provided for her in as good a manner as his limited means would reasonably admit,and thereupon,she entertained every hope that her married life would be a happy one. But in four or five months after your oratrix and said John Phillips were married,and while they were living together in one of the tenant houses of the Pennington Coal Company,in this county,she began to notice that he was staying out late at night,and he gradually grew cool and distant towards your oratrix. Thereupon,your oratrix became alarmed at the coolness of her said husband towards her,and she tried in every way she knew or could to make their home and herself more pleasant and attractive than the home or person of any one else. But her especial kindness and efforts did no good;he still would stay out late at night,and often all night long,and continued to be cool and distant and often ill towards her. Finally your oratrix from his said conduct believed there was a cause for his said conduct and treatment,so she set about an investigation to ascertain the cause of his treatment,and to her great grief and surprise she found that her said husband was spending his time and money upon and other woman,- a woman of bad repute, and who was also living in another tenant house of said Pennington Coal Company in this county,and also staying with her frequently all night. On procuring this information of the said conduct of her said husband,your oratrix accosted him about the matter,whereupon,he appeared to become greatly enraged and got

his clothes and left your oratrix,and continues to remain away from her,leaving her to maintain and support herself as best she can.

I I

Your oratrix further alleges and charges that without her consent,procurement or connivance,the said John Phillips on or about the _____ fay of _____,190 ___,and on divers other days and times,commited adultery by having carnal intercourse with a lewd woman by the name of Manning,and that he commited said adulterous acts in this county,in house No. _____ of the Pennington Caol Company,and also at divers other places not definitely known to oratrix.

I I I.

Your oratrix further charges that said John Phillips,since he left your oratrix as aforesaid,has left the Commonwealth,and is now,and has been for some time a non-resident of this State; that she has in no way condoned his said adulterous acts,nor cohabited with him since she became convinced of his said infidelity towards her;and that she is now,and has been for more than a year before the institution of this suit a citizen and resident of this (Lee) county;and that she and her said husband last lived together and cohabited together in this county.

I V.

There was born to your oratrix as the friut of her said marriage with the said John Phillips,one child,after he left her, but it lived to be only about _____ months old and died.

The premises considered your oratrix is advised that she has the right to have the bonds of matrimony existing between her and the said John Phillips annulled and set aside in a court of equity. Her prayer therefore,is that the said John Phillips be made a party defendant to this bill of complaint;that he be requiredto answer the same,but not on oath as that is waived;

that an order of publication be duly made,posted and published as the law requires against non-resident defendants for him, the said John Phillips;that on the proof coming in this case your oratrix be awarded a divorce a vinculo matrimoni,-for ever dissolving the bonds of matrimony now existing between her and the said John Phillips;that she be restored to her maiden mame,to-wit,Sarah Skidmore;and that all other further and general relief be awarded her, ~~as~~ that the nature of her cause and good conscience may require. And she will ever pray,etc.

May process issue,etc.

Pendington Bros. P.Q.

Costs:

Clerk, $4.65

Tax 1.50

Attg. 15.00

W. K. Hopkins P.

Notary 1.00

Sarah Phillips

vs. } Bill In Chan.

John Phillips

1908 1st Mch Rules

Bill filed Spa.

not executed deft.

being non-resident.

& Contd for O.P.

" 2nd Mch Rules

O.P.

Completed & cause

" set for hearing.

Sarah Skidmore Philipps, plaintiff,

Vs.

John Philipps, defendant,

In Chancery.

This cause came on this the _____day of May, 1908, to be heard upon the bill of the complainant; proof of legal service by order of publication duly made and posted as required by law against the said defendant, and he failing to appear and answer said bill; the depositions of Nathian Pennington, and E. S. Stapleton, taken in Virginia before R. E. L. Chumbley, a commissioner in chancery for the Circuit Court of Lee County; and was argued by counsel.

On consideration of all which and it appearing to the Court independantly of the admission of either party to this cause, that the said parties were heretofore duly married to each other; that the said complainant is now and has been for more than a year previous to the institution of this suit domiciled in this County and State; that the said defendant without the consent, procurement or connivance of the said plaintiff has been guilty of adultery within the last three years; and that the said complainant has not lived or cohabited with the said defendant since she had information of the adulterous acts of her said husband. It is therefore adjudged, ordered and decreed that the said Sarah Philipps and John Philipps be and are hereby forever divorced from the bonds of matrimony which was created by the marriage aforesaid, and that the said marriage be and the same is hereby dissolved and annulled;

And it is further adjudged , ordered and acreed that the said Sarah Philipps be restored to her maiden name and that she hereafter be known as Sarah Skidmore instead of Sarah Philipps.

And it is further adjudged, ordered and decreed that the said complainant recover from the said defendant her costs in this suit expended. And this cause is stricken from the docket.

Sarah Phillips

vs. } Decree

John Phillips

Entered in C.O.B.
#8, page 368 &c.

Enter this May 4th
1908
H A W. Sherry

The deposition of Nathaniel Pennington, taken before me, R. E. L. Chumbley, a commissioner in chancery for the Circuit Court of Lee County, Va., at the law office of E. W. Pennington, in the town of Pennington Gap, Lee County, Va., on this the 19th day of February, 1908, to be read as evidence in behalf of the complainant in a certain suit in chancery now pending in the Circuit Court for Lee County, Va., wherein Sarah Phillips is complainant and John Phillips is defendant.

Present: E. W. Pennington for the complainant; no one for the defendant.

Nathaniel Pennington, a witness of lawful age, after being duly sworn, deposes as follows:

Q.1. Give your name, age, and residence.

A. Nathaniel Pennington. 28ye ars of age. Pennington Gap, Lee co., Va.

Q.2. Were you acquainted with Sarah and John Phillips? If so, how long did you know them?

A. I knew Phillips about four months before he and Sarah were married. I have known Sarah and known of her for a number of years.

Q. 3. State whether the said John and Sarh phillips lived together as man and wife in this county, and where.

A. After they got married they lived at Pennington a while, and in Harlan County, Ky. a while.

Q. $. If you ever saw the said John Phillips asssociating with some other woman than his wife, tell, as near as you can when and where it was, and with whom.

A. I never saw him with any woman other than his wife that I remember, but I think it was along in the spring of 1906 I saw said John phillips going to the house ~~of the house~~ of Jess Manning's and he told me that he was going there to see a woman by the name of Josie Manning. I saw him about that house frequently. He did not

directly say for what purpose he was going to see this woman, but the manner in which he talked to me about it and from his intimations as to his purpose in going there I understood that he wasc going there for the purpose of having carnal connection with the said Josie Manning. I have seen him at this place after night. This woman, Josie Manning, was understood on that neighbourhood to be a woman of loose virtue. This Manning woman lived at the time said John Phillips was visiting ther , as above stated by me, in this county at a place that we then knew as the Pocket Coal Co.'s mines, but which is now owned by the Pennington Coal Co.

Q. 5. State whether this conduct you saw out of John Phillips was before or after he and the said Sarah Phillips were married.

A. Afterwards.

Qxxx6. Along about the time John Phillips was visiting the said Manning woman I heard him repeatedly say that he had left his wife and was not going to live with her.

Q. 6. Do you know where Sarah phillips was along ab out the time her husband John was going to see the Manning woman?

A. SHe stayed at Pennington Gap a while and also visited her people in Harlan County, Ky.

Q. 7. If you know, state what went with the Manning woman and the said John Phillips .

A. Along about the first of the summer of 1906 the Manning woman left the Pocket Coal Co.'s mines and i t was but a few days until John Phillips also left. I understood that Phillips went to W. Va, and I do not know what became of the Manning woman.. Along in the fall of 1906 the said John phillips came back to the coal mines and said he had been to W. Va. He did not stay but a few daus until he left again and told me that he was going back to W. Va.

and was fixing to marry again. I have not seen him since. On one occasion he came to the mines with a dress pattern and told me he had promised it to the Manning woman, and I saw him start off

with it in the direction of the Manning woman's house and he told me then that he was going to take it to her. This was in the evening, but kinder dark, nearly dusk. I afterwards asked Phillips what he did with his dress pattern and he told me that he had given it to the Manning woman.

And further this deponent sayeth not.

Nathaniel Pennington

The further taking of these depositions is postponed until the 28th day of Feb, 1908, at the same place.

Given under my hand this 19th day of February, 1908.

R. E. L. Chumbley, Commr. in Chancery

Thexxxx

Q. 4. How near did you live at that time to the Manning house?

A. About one hundred yards.

Q. 5. Dom you know what became of the Manning people and said defendant?

A. No, I do not. The Manning woman and said defendant left said mines about the same time. I ~~xxfxx~~ think they went to the mouth of Reed's Creek and they ~~xx~~ all lived together there, and that is the last I know of them.

Q. 6. State, if you know, where the said plaintiff has been residing for the last year or so.

A. I have seen her aroun d Pennington Gap and in the Pocket country in this county for the last year or two. I don't known at whose house she has been making her home.

And further this deponent sayeth not.

E S Stapleton
.....

Lee County, State of Virginia, to-wit:

I, R. E. L. Chumbley, a commissioner in chancery for the Circuit Court for Lee County, in the State of Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing, and signed by the witneesses, respectively, before me, at the times and palces therein mwntioned.

Given under my hand this 26th day of February, 1908.

R. E. L. Chumbley, Commissioner in Chancery.
.....

Sarah Phillips

vs } Deposition

John Phillips

Received by mail in good condition and ~~filed~~.
Filed February 27, 1908.

W. C. T. Ewing,
Clerk

E.W.PENNINGTON. ROBT.L.PENNINGTON
Pennington Bros.
ATTORNEYS AT LAW,
JONESVILLE AND PENNINGTON GAP VA

Pennington Gap,Va.,1/21/1908.

Mr.H.C.T.Ewing,

Jonesville,Va.

Dear Sir:-

I enclose you an affidavit of Sarah Phillips of the non-residency of John Phillips,and a copy of an order of Publication to be made against him. The order is to be made and published in the Pennington Gap News. So sign the order and return it to me,and I will give it to Hopkins. Mrs.Phillips has made some kind of arrangements with Hopkins about this order of pu lication,or else I would have given to Boatright.

Also give me the amount of your costs in the case of Geo.W. Gibson vs.L.& N.R.R.Co.;also the total amount of the costs to the sheriff and witnesses respectively. Give me this information and I will send you a check for your costs. I got a voucher for this judgement this morning. Attend to this at once,please.

Yours very truly,

E.W.Pennington.

In the Phillips case make this memorandum:

"Sarah Phillips Vs.John Phillips. Sub.in Chancery.To the first March Rules,1908. Make order of publication for defendant. Tax paid by E.W.P. This Jan.22nd,1908.

Pennington Bros. P.Q.

Sarah Phillips, Plaintiff.

Vs.

John Phillips, Defendant.

Affidavit.

Virginia,

Lee County,to-wit:

This day Sarah Phillips appeared in person before me,a notary public in and for the county aforesaid,and made oath that John Phillips,against whom said Sarah Phillips,is about to institute a suit in equity in the Circuit Court of Lee County,is a non-resident of this Commonwealth.

Given under my hand this the 21st day of January,1908.

R. E. L. Chumbley N.P.

Sarah Phillips.

Vs. Affidavit.

John Phillips.

Filed Jan. 22, 1908.
W. C. T. Ewing,
Clerk.

Virginia:-

In the Clerk's office of the Circuit Court of the County of Lee, on the 22nd day of January, 1908.

Sarah Phillipps, Complainant.	#	
Vs.	#	In Chancery.
John Phillipps, Defendant.	#	

THE OBJECT of this suit is to obtain a divorce a vinculo matrimoni, by the said complainant from said defendant.

And an affidavit having been made and filed that the said defendant, John Phillipps, is a non-resident of this State, it is ordered that he, the said John Phillipps appear here within fifteen days after due publication of this order, and do what is necessary to protect his interests in this suit. And it is further ordered that a copy hereof be published once a week for four successive weeks in the PENNINGTON GAP NEWS, a newspaper printed in the town of Pennington Gap, in said county of Lee, and a copy thereof be posted at the front door of the court-house of Lee County, as prescribed by law.

A Copy -- Teste:

W. C. T. Ewing, Clerk.

Pennington Bros. P.Q.

Sarah Phillips.

Vs. Order of Publication.

John Phillips.

Virginia Lee County, to-wit:

I, H. C. T. Ewing, County Clerk for the County aforesaid, in the State of Virginia, do certify that I posted a true copy of the within order of Publication at the front door of the Court-house of said County on this day.

Given under my hand, this January 22nd 1908

H. C. T. Ewing,

Clerk.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon John Phillippe

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the 1st Monday in March 1908, to answer a bill in chancery exhibited against him in our said Court by Sarah Phillippe

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 22nd day of January, 1908, and 132 year of the Commonwealth.

A Copy, Teste: H. C. T. Ewing, Clerk

_____, Clerk

Sarah Phillippes

VS { SUBPŒNA IN CHANCERY

John Phillippes

Pens. Bros. p. q.

To 1st March Rules

Lee Circuit Court

1908.